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the Postal Telegraph-Cable Company to show cause why it should not be fined for conducting intrastate telegraph business without having paid a license tax. There was a judgment imposing a fine, and the defendant brings error. Affirmed.

John N. Sebrell, Jr., of Norfolk, for plaintiff in error.

Allen & Walsh and *Gething C. Miller*, all of Charlottesville, for defendant in error.

TOWN OF APPALACHIA *v.* MAINOUS.

Nov. 20, 1919.

[101 S. E. 359.]

1. Judgment (§ 342 (4)*)—Time of Application to Set Aside Judgment Entered in Vacation.—Under Code 1904, § 3427, a judgment entered during vacation was a final judgment; the case standing on the same footing as a judgment rendered in term would stand after adjournment of court, and the trial court has no power to hear motions or to vacate for misconduct of judge or other cause.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 310.]

2. Judgment (§ 212*)—Judgment Entered in Vacation.—A judgment at law entered in vacation stands on the same footing as a final decree entered in a suit in chancery in vacation; Code 1904, § 3427, being applicable to both.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 310.]

3. Appeal and Error (§ 1008 (2)*)—Review of Judgment Where Jury Was Waived.—Where a jury is waived, and all matters of law and fact are submitted to the judge for decision, his judgment is entitled to the same weight as the verdict of a jury, and will not be disturbed where evidence is conflicting.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 622.]

Error to Circuit Court, Wise County.

Proceeding by the Town of Appalachia against one Mainous. Judgment for defendant, and plaintiff brings error. Affirmed.

C. R. McCorkle, of Wise, for plaintiff in error.

Morton & Parker, of Appalachia, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.